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Attorneys for Defendants
MARK DILLON, TERESA NOA, MELVIN PONCE,
SONIA PURDY, JUSTIN FUKUMOTO,
ALFREDDA WAIOLAMA, and JACQUELINE RIO

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen,	)	CIVIL NO. CV03-00385 SOM-LEK
	)	(Copyright)
Plaintiff,)	
	)	DEFENDANTS MARK DILLON, TERESA
v.	)	NOA, MELVIN PONCE, SONIA
	)	PURDY, JUSTIN FUKUMOTO,
HAWAIIAN EXPRESS SERVICE,	)	ALFREDDA WAIOLAMA, AND
INC., a California	)	JACQUELINE RIO'S JOINDER TO
corporation; et al.	)	(1) POST CONFIRMATION TRUST
	)	FOR FLEMING COMPANIES, INC.'S
Defendants.	)	MEMORANDUM IN RESPONSE TO
	)	PLAINTIFF WAYNE BERRY'S MOTION
	)	IN LIMINE TO EXCLUDE EXPERT
	)	TESTIMONY OF JEFFREY KINRICH
	)	REGARDING MATTERS NOT
	)	CONTAINED IN HIS EXPERT
	)	REPORT; (2) POST CONFIRMATION
	)	TRUST FOR FLEMING COMPANIES,
	)	INC.'S MEMORANDUM IN RESPONSE
	)	TO PLAINTIFF WAYNE BERRY'S
	)	MOTION IN LIMINE TO EXCLUDE
	)	EVIDENCE OF DEDUCTIBLE
	)	EXPENSES AND BARRING ANY
	)	TESTIMONY FROM THE PCT'S
	)	EXPERTS; (3) POST CONFIRMATION
)	
	)	[caption continued]
)	
)	

) TRUST FOR FLEMING COMPANIES,
) INC.'S MEMORANDUM IN RESPONSE
) TO PLAINTIFF WAYNE BERRY'S
) MOTION TO EXCLUDE EXPERT
) TESTIMONY OF BRADLEY DECHTER;
) AND (4) POST CONFIRMATION
) TRUST FOR FLEMING COMPANIES,
) INC.'S MEMORANDUM IN RESPONSE
) TO PLAINTIFF WAYNE BERRY'S
) MOTION IN LIMINE TO EXCLUDE
) TESTIMONY OF JACK BORJA AND
) RALPH STUSSI
)
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) Hearing:
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) DATE: January 20, 2006
) TIME: 2:00 p.m.
) JUDGE: Hon. Susan Oki
) Mollway
)
)
)

) TRIAL: January 24, 2006
)

**DEFENDANTS MARK DILLON, TERESA NOA, MELVIN PONCE, SONIA PURDY,
JUSTIN FUKUMOTO, ALFREDDA WAIOLAMA, AND JACQUELINE RIO'S
JOINDER** TO (1) POST CONFIRMATION TRUST FOR FLEMING COMPANIES,
INC.'S MEMORANDUM IN RESPONSE TO PLAINTIFF WAYNE BERRY'S MOTION
IN LIMINE TO EXCLUDE EXPERT TESTIMONY OF JEFFREY KINRICH
REGARDING MATTERS NOT CONTAINED IN HIS EXPERT REPORT; (2) POST
CONFIRMATION TRUST FOR FLEMING COMPANIES, INC.'S MEMORANDUM IN
RESPONSE TO PLAINTIFF WAYNE BERRY'S MOTION IN LIMINE TO EXCLUDE
EVIDENCE OF DEDUCTIBLE EXPENSES AND BARRING ANY TESTIMONY FROM
THE PCT'S EXPERTS; (3) POST CONFIRMATION TRUST FOR FLEMING
COMPANIES, INC.'S MEMORANDUM IN RESPONSE TO PLAINTIFF WAYNE
BERRY'S MOTION TO EXCLUDE EXPERT TESTIMONY OF BRADLEY DECHTER;
AND (4) POST CONFIRMATION TRUST FOR FLEMING COMPANIES, INC.'S
MEMORANDUM IN RESPONSE TO PLAINTIFF WAYNE BERRY'S MOTION IN
LIMINE TO EXCLUDE TESTIMONY OF JACK BORJA AND RALPH STUSSI

Defendants Mark Dillon, Teresa Noa, Melvin Ponce, Sonia
Purdy, Justin Fukumoto, Alfreda Waiolama, and Jacqueline Rio,
("Defendant Employees") by and through their attorneys, Lyle S.

Hosoda & Associates, LLC, hereby file their joinder to (1) Post Confirmation Trust for Fleming Companies, Inc.s' Memorandum in Response to Plaintiff Wayne Berry's Motion in Limine to Exclude Expert Testimony of Jeffrey Kinrich Regarding Matters Not Contained in His Expert Report; (2) Post Confirmation Trust for Fleming Companies, Inc.'s Memorandum in Response to Plaintiff Wayne Berry's Motion in Limine to Exclude Evidence of Deductible Expenses and Barring Any Testimony from the Pct's Experts; (3) Post Confirmation Trust for Fleming Companies, Inc.'s Memorandum in Response to Plaintiff Wayne Berry's Motion to Exclude Expert Testimony of Bradley Dechter, filed herein on January 10, 2006; and (4) Post Confirmation Trust for Fleming Companies, Inc.'s Memorandum in Response to Plaintiff Wayne Berry's Motion in Limine to Exclude Testimony of Jack Borja and Ralph Stussi.

Dated: Honolulu, Hawaii, January 10, 2006.

/s/ Lyle S. Hosoda
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